



**Delaware Jockey's Health & Welfare Benefit Board  
Minutes of Regular Meeting Held On  
June 20, 2018**

The Delaware Jockey's Health & Welfare Benefit Board held a Regular Meeting on Wednesday, June 20, 2018, at 9:05 a.m., in the Horsemen's Office, Delaware Park, 777 Delaware Park Blvd, Wilmington, DE, 19804.

**The following Board members were present:**

Edward J. Stegemeier, Chairman
W. Duncan Patterson, Jr., DTRC Chair, Ex-Officio Member
John E. Mooney, Delaware Park, Executive Director of Racing
Bessie Gruwell, DTHA Executive Director
Heriberto Rivera, Jr., Jockeys Guild
Pedro Lizarzaburu, DJH & WBB Board Member

**The following individuals also were present:**

Teena Appleby, DTRC Chief Inspector
Frank Broujos Esq., Deputy Attorney General (via Telephone)
Robert E. Colton, Delaware Jockey's Association, Director, and DTRC Safety Steward
Mario Pino, Jockey
Molly Church, DTRC (recording minutes)

**1. WELCOME AND CALL TO ORDER**

Chairman Stegemeier called the meeting to order at approximately 9:05 a.m. Chief Inspector Teena Appleby introduced Deputy Attorney General Frank Broujos, who attended the meeting telephonically in place of Andrew Kerber.

**2. APPROVAL OF MINUTES (January 17, 2018)**

Upon a motion duly made (Gruwell) and seconded (Lizarzaburu), the minutes from the January 17, 2018 meeting were unanimously approved.

Before moving on to Old Business, Chairman Stegemeier announced that there was currently a vacancy on the Board due to Scott Spieth's resignation. Jockey Mario Pino has volunteered his services for the Board to fill in Mr. Spieth's position. Mr. Pino agreed verbally and Mr. John Mooney nominated Mr. Pino to be on the Board. Mr. Heriberto Rivera seconded and the vote was unanimous. Chairman Stegemeier welcomed him onto the Board.

**3. OLD BUSINESS**

No Board Members had any Old Business to discuss at this time.

**4. NEW BUSINESS**

## **A. State of the Fund**

At this time, the unencumbered balance was not available. Chairman Stegemeier said the balance was most likely \$720,000-\$750,000 and has remained at approximately that balance consistently over time. Mr. Colton reported that the 2018 year-to-date revenue less expenses as of May 31 is a deficit of \$6,708.00. The 2018 projected revenue less expenses for the year is a deficit of \$12,735.00. There are currently 32 jockeys enrolled as of May 31, 16 active and 16 retired. There are 4 retired and 4 active eligible non-participating jockeys. Chairman Stegemeier said there should be no changes to these numbers in 2018 unless someone becomes eligible for retirement.

Mr. Colton explained that the California Jockey Welfare Corporation is currently enforcing a rule that jockeys can only enroll in the group during Open Enrollment in December. Chairman Stegemeier asked the Board if they should put a rule similar to that in effect. Mr. Colton said that this would probably be unnecessary because the insurance agency handles the enrollment. There were 6 active jockeys enrolled during open enrollment. One active jockey was enrolled into Medicaid, and their spouse remains in the Fund coverage under Rule 2.4. One member who dropped out of the program is now riding at Woodbine in Canada. Benefits from the Fund may not cross U.S. borders.

A month prior, Chairman Stegemeier, Mr. Colton, and Delaware Park President Bill Fasy met with ATI Physical Therapy in the attempt to get an athletic trainer to come to Delaware Park. Not much progress has been made since the meeting, but Mr. Colton has engaged in e-mail correspondence with a representative. Mr. Colton also met with Dr. Windley, who teaches at University of Delaware and runs Premiere Physical Therapy and Sports Performance. Mr. Colton will meet with him again in a week. Dr. Windley was enthusiastic about the idea.

Mr. Colton asked Mr. Broujos that, if either ATI or Premiere produces a proposal, could the Board hold a meeting in a minimum of 10 days. Mr. Broujos said that the Board would have to have a public meeting and post an agenda, and as long as the notice came out 10 days prior, that would be sufficient. Mr. Broujos asked about the budget for the athletic trainer. Mr. Colton answered that they are currently in the vicinity of \$32,000. Mr. Broujos said that anything under \$50,000 does not require competitive bidding.

The Fund has always been managed by The Delaware Jockey's Association, LLC. Mr. Colton explained that now, since Delaware is under the California Jockey Welfare Corporation, there is no longer a need for the Jockey's Association to manage it. Mr. Colton requested that the Fund administrator be changed to himself. Ms. Bessie Gruwell asked him if he would be able to do that and also serve as the DTRC Safety Steward without conflict. Mr. Colton answered that he had repeatedly told the riders when the meet started that he is certainly looking after their health and welfare, but he is not representing them in any manner. He would receive no commission, whether the jockeys sign up for coverage or not.

Chairman Stegemeier asked the Board how they felt about switching the management of the Fund from the Delaware Jockey's Association to Mr. Colton. Mr. Mooney and Ms. Gruwell expressed that they had some concerns because the LLC protects Mr. Colton, but if it was under his name solely, he may put himself at risk. Mr. Patterson and Mr. Rivera noted that it was also important to consider the public's perception of this as well.

Mr. Broujos asked Mr. Colton if he was a State employee and getting compensation from the State. Mr. Colton said that he was. Mr. Broujos said that this may be an issue for the Public Integrity Commission, who can assess the situation and see what needs to be changed to maintain the public's perception. Mr. Colton decided to retract his proposal and leave the management of the Fund as is.

Getting doctors to see injured jockeys is very problematic. Many doctors do not accept AIG insurance since it is not always guaranteed. Since it is not traditional healthcare or workmen's compensation, it is hard to verify the validity of it and receive payment for it. Mr.

Patterson asked why this insurance is being used if it is so difficult to work with for the jockeys. Mr. Colton answered that there are only 2 companies that offer this type of insurance, since it is not a traditional unlimited employer/employee commercial plan. Jockeys are independent contractors but their insurance is provided by a third party. Mr. Mooney stated that this is not a new problem.

Ms. Gruwell expressed that the Jockeys have come to her in the previous weeks asking her who the new spokesperson for the jockeys should be. Mr. Pino asked for the description of this job. Mr. Pino is the Jockeys' Guild Representative in Maryland. Mr. Rivera will talk to Mr. Centeno about making himself and Mr. Pino the jockeys' new spokespeople.

Mr. Patterson asked why the balance and member count has been inconsistent throughout the years. Mr. Colton answered that the new rules and regulations have brought some stability and riders in recent times have been more responsible so that may perhaps improve.

## **5. ADJOURNMENT**

Upon a motion duly made (Gruwell) and seconded (Mooney), the meeting was adjourned at approximately 9:42 AM.